

AMENDED IN SENATE SEPTEMBER 10, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 1576

Introduced by ~~Committee on Governmental Organization (Price (Chair), Cook, Coto, Evans, Galgiani, Hall, Hill, Jeffries, Lieu, Mendoza, Portantino, Silva, Torres, Torrico, and Tran)~~ Assembly Member Chesbro

March 23, 2009

~~An act to add Title 16.5 (commencing with Section 98020) to, to repeal Sections 12012.25, 12012.30, 12012.35, 12012.40, 12012.45, 12012.46, 12012.465, 12012.47, 12012.475, 12012.48, 12012.485, 12012.49, 12012.495, 12012.5, 12012.51, 12012.515, 12012.52, 12012.53, 12012.75, 12012.85, and 12012.90 of, to repeal Chapter 7.5 (commencing with Section 12710) of Part 2 of Division 3 of Title 2 of, and to repeal Chapter 3 (commencing with Section 98055) of Title 16.5 of, the Government Code, relating to gaming. An act to add Section 12012.54 to the Government Code, relating to gaming, and declaring the urgency thereof, to take effect immediately.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 1576, as amended, ~~Committee on Governmental Organization~~ Chesbro. Tribal gaming.

Existing federal law, the Indian Gaming Regulatory Act, provides for the negotiation and execution of tribal-state gaming compacts for the purpose of authorizing certain types of gaming on Indian lands within a state. The California Constitution authorizes the Governor to negotiate and conclude compacts, subject to ratification by the Legislature. Existing law expressly ratifies a number of tribal-state gaming compacts,

and amendments of tribal-state gaming compacts, between the State of California and specified Indian tribes.

This bill would ratify the tribal-state gaming compact entered into between the State of California and the Habematolel Pomo of Upper Lake, executed on September 2, 2009. The bill would require that related revenue contributions be deposited into the General Fund, except as specified, and would also provide that, in deference to tribal sovereignty, certain actions may not be deemed projects for purposes of the California Environmental Quality Act.

This bill would declare that it is to take effect immediately as an urgency statute.

~~Existing federal law, the Indian Gaming Regulatory Act of 1988, provides for the negotiation and execution of tribal-state gaming compacts for the purpose of authorizing certain types of gaming on Indian lands within a state. The California Constitution authorizes the Governor to negotiate and conclude compacts, subject to ratification by the Legislature.~~

~~Existing law ratifies a number of tribal-state gaming compacts between the State of California and specified Indian tribes. Existing law creates in the State Treasury the Indian Gaming Revenue Sharing Trust Fund and the Indian Gaming Special Distribution Fund for the receipt and deposit of moneys received by the state from Indian tribes pursuant to the terms of gaming compacts entered into with the state, and authorizes moneys in those funds to be used for certain purposes. Existing law establishes the method of calculating the distribution of appropriations from the Indian Gaming Special Distribution Fund for grants to local government agencies impacted by tribal gaming.~~

~~This bill would reorganize and make technical, nonsubstantive changes to these provisions:~~

Vote: ~~majority~~^{2/3}. Appropriation: no. Fiscal committee: ~~no~~^{yes}. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. *The Legislature finds and declares the following:*
- 2 (a) *The terms of the tribal-state gaming compact ratified by this*
- 3 *act apply only to the State of California and the tribe that has*
- 4 *signed it, and the terms of the compact ratified by this act do not*
- 5 *bind any other tribe.*

1 ***(b) The Legislature acknowledges the right of federally***
2 ***recognized tribes to exercise their sovereignty to negotiate and***
3 ***enter into compacts with the state that are materially different***
4 ***from the compact ratified pursuant to Section 12012.54 of the***
5 ***Government Code.***

6 ***SEC. 2. Section 12012.54 is added to the Government Code,***
7 ***to read:***

8 ***12012.54. (a) The tribal-state gaming compact entered into***
9 ***in accordance with the Indian Gaming Regulatory Act of 1988 (18***
10 ***U.S.C. Secs. 1166 to 1168, incl., and 25 U.S.C. Sec. 2701 et seq.)***
11 ***between the State of California and the Habematolel Pomo of***
12 ***Upper Lake, executed on September 2, 2009, is hereby ratified.***

13 ***(b) (1) In deference to tribal sovereignty, none of the following***
14 ***shall be deemed a project for purposes of the California***
15 ***Environmental Quality Act (Division 13 (commencing with Section***
16 ***21000) of the Public Resources Code):***

17 ***(A) The execution of an amendment to the tribal-state gaming***
18 ***compact ratified by this section.***

19 ***(B) The execution of the tribal-state gaming compact ratified***
20 ***by this section.***

21 ***(C) The execution of an intergovernmental agreement between***
22 ***a tribe and a county or city government negotiated pursuant to***
23 ***the express authority of, or as expressly referenced in, the***
24 ***tribal-state gaming compact ratified by this section.***

25 ***(D) The execution of an intergovernmental agreement between***
26 ***a tribe and the California Department of Transportation negotiated***
27 ***pursuant to the express authority of, or as expressly referenced***
28 ***in, the tribal-state gaming compact ratified by this section.***

29 ***(E) The on-reservation impacts of compliance with the terms***
30 ***of the tribal-state gaming compact ratified by this section.***

31 ***(F) The sale of compact assets, as defined in subdivision (a) of***
32 ***Section 63048.6, or the creation of the special purpose trust***
33 ***established pursuant to Section 63048.65.***

34 ***(2) Except as expressly provided herein, nothing in this***
35 ***subdivision shall be construed to exempt a city, county, or city and***
36 ***county, or the California Department of Transportation, from the***
37 ***requirements of the California Environmental Quality Act.***

38 ***(c) Revenue contributions made to the state by the tribe pursuant***
39 ***to the tribal-state gaming compact ratified by this section shall be***
40 ***deposited in the General Fund, except as otherwise provided by***

1 *the compact or by a statute directing that a portion of the revenue*
2 *contributions be deposited in a special fund.*

3 *SEC. 3. This act is an urgency statute necessary for the*
4 *immediate preservation of the public peace, health, or safety within*
5 *the meaning of Article IV of the Constitution and shall go into*
6 *immediate effect. The facts constituting the necessity are:*

7 *In order to allow the revenues from this act to be eligible for*
8 *revenue sharing at the earliest possible time to address some of*
9 *the state's pressing budget issues, it is necessary that this act take*
10 *effect immediately.*

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13 **All matter omitted in this version of the bill**
14 **appears in the bill as introduced in the**
15 **Assembly March 23, 2009. (JR11)**
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